FARAD CONTINUTION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

First Appeal No. 2073 of 2005
with
Civil Application No.2622 of 2005

Office Notes,Office Memorandum of Coram appearence,Court's Orders & Directors and Registrar's Order	Court or Judge's Order

Mr P M Havnur for appellants
Mr Xavier for BMC
CORAM; A.M.KHANWILKAR J.

DATED 7.2.2006

P.C.

. Today the matter was placed under caption direction to enable the counsel for the appellants to report whether the appellants have resorted to any other substantive remedy after invoking the emergent power to demolish the structure by the respondent authority. It appears that the appellants have not resorted to any further remedy so far. In so far as the merits of the appeal is concerned in my order dated 20.l.2006 I have already recorded that no

fruitful purpose would be served by entertaining this appeal because, after institution of the subject suit by the appellants the authorities invoked emergent power on l2.8.l999 and demolished the structure on l4.8.l999. In view of the demolition of the suit structure after following necessary procedure, the substantive relief claimed in the suit is worked out.In that sense in fact the suit of the appellants ought to have been terminated without any further adjudication. Be that as it may, the suit has been decided by the trial court after referring to the relevant documents on record. The finding recorded by the trial court will have to be upheld being just and proper and supported by documents on record.Accordingly this appeal fails and the same is dismissed.

. Mr Havnur for the appellants contends that the court may make observation that the appellants may be free to make representation to the

appropriate authority for allotment of alternate accommodation as per their eligibility. Indeed, if the appellants are entitled for any alternate accommodation that request of the appellants will be considered on its own merits in accordance with law. These observations my not be construed as expression of any opinion that the appellants are entitled to alternate accommodation.

. Civil application also disposed of accordingly.